House Calendar No. 138

98th Congress
1st Session
HOUSE OF REPRESENTATIVES
REPORT
No. 98-548

IN THE MATTER OF JAMES C. HOWARTH

REPORT

OF THE

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT HOUSE OF REPRESENTATIVES

NOVEMBER 15, 1983.—Referred to the House Calendar and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
31-006 O
WASHINGTON: 1983

H743-6

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Mr. STOKES, from the Committee on Standards of Official Conduct, submitted the following

REPORT

I. INTRODUCTION

Following an inquiry conducted pursuant to House Resolution 518, 97th Congress, 2nd Session, and House Resolution 12, 98th Congress, 1st Session, the Committee on Standards of Official Conduct ("Committee") voted on July 14, 1983, a four-count Statement of Alleged Violation against the Majority Chief Page of the House, James C. Howarth ("Howarth"). The Statement of Alleged Violation is attached as Appendix A to this Report. Count One charged that Howarth had supervisory responsibilities over pages in 1980 and that he engaged in 1980 in a sexual relationship with a 17-year-old female page who was at the time under his direct supervision (in violation of Clause 1 of the House Code of Official Conduct). Count Two charged Howarth with giving preferential treatment to this page (in violation of clause 1 of the Code of Official Conduct and clauses 3 and 5 of the Code of Ethics for Government Service). In Counts Three and Four, Howarth was charged with possessing cocaine in the House Democratic Cloakroom (in violation of 21 U.S.C. Sec. 844(a), clause 1 of the Code of Official Conduct and clause 2 of the Code of Ethics for Government Service).

On October 31, 1983, the Committee held a hearing with respect to the Statement of Alleged Violation. Howarth appeared at the hearing and was represented by counsel. Counsel to the Committee presented seven witnesses and submitted 16 evidentiary exhibits. Counsel for Howarth presented eight witnesses and submitted six evidentiary exhibits. The Committee, on November 8, 1983, by a vote off 11–0, found that Count One had been proved. It voted, 0–11, against motions that Counts Two, Three and Four had been proved.

Based on the violations set out in Count One, on November 15, 1983, the Committee voted to recommend to the House that Howarth be dismissed from his employment with the House of Representatives.

Pursuant to rule 17(d) of the Committee's Rules of Procedure, this report summarizes the evidence which supports the findings of the Committee on Count One and sets out the reasons for recommending that Howarth be dismissed from his job. The record of the hearing with respect to the Statement of Alleged Violation is under seal to protect the identity of the page involved, and therefore is not attached hereto as an appendix. The record of the hearing is available for review by Members of the House at the Committee's office.

II. Findings

The Committee found that Howarth, who was 27 years old in 1980, and occupied the position of Majority Chief Page, engaged in sexual relations on a regular basis in the spring of 1980 with a 17-year-old female while she was a House page under his supervision.

The page testified that during April and May 1980, she began spending nights at Howarth's apartment. She testified that they engaged in sexual relations on those occasions. On some of these occasions, he picked her up at her apartment in the early evening; on other occasions, when he finished working his second job at a Georgetown bar, he would pick her up outside her apartment at 2–3 a.m. in the morning. On the occasions when she spent the night at his apartment, the page testified that she generally did not attend the page school, and would drive to work with Howarth.

Howarth admitted that he had a sexual relationship with the page but claimed that the sexual relationship only began after the page returned from summer vacation following her graduation from Page School. As part of the argument to support his claim that his sexual relationship with the page in question did not begin until the fall of 1980, Howarth claimed that he was engaged in a sexual relationship during the spring of 1980 with a former page who had graduated from the Page School the year before (June 1979).

Howarth did admit, however, that he saw the page outside of work in the spring of 1980 on more than a half-dozen occasions. As a result, the issue which the Committee faced was not whether a sexual relationship occurred between Howardth and the page, but when that sexual relationship began: whether it began in the spring of 1980 while the teenager was still a page, or whether it began in the fall of 1980 when she returned to Washington, D.C., from her summer vacation following her graduation from Page School.

The Committee determined that the evidence clearly and convincingly proved that the sexual relationship began in the spring of 1980.

III. Evidence in Support of Violation

Howarth testified that he saw the page outside of work in the spring of 1980 on at least the following occasions:

(1) Howarth admitted that on one occasion they jogged together;

(2) Howarth admitted that, on another occasion, they swam together with two other pages;

(3) Howarth admitted that he picked up the page at her apartment approximately a half-dozen times at 7–8 p.m. in the evening allegedly to give her a ride to Georgetown;

(4) Howarth admitted that he went on an overnight camping trip to Pennsylvania with the page in the company of her parents during the Memorial Day weekend in 1980.

Howarth's admissions concerning the extent of his contact with the page in the spring of 1980 are themselves significant. A close friend and former roommate of Howarth's testified that Howarth did not socialize with pages outside of work: "I was with him often enough to know that he didn't do it." (R. 406.)

Thus, based solely on Howarth's own testimony, the extent of Howarth's admitted contact with the page in the spring of 1980 marks their relationship as unusual.

The page's roommates corroborated many of the details of the page's testimony that the sexual relationship began in the spring of 1980. The 17-year-old page involved lived in an apartment in the Capitol Hill section of Washington, D.C., in the spring of 1980 with four roommates, three of whom worked in the House as pages; the fourth worked as a Senate page. The Committee received sworn statements from every one of the four—three testified personally at the hearing; one submitted an affidavit. (None of the roommates who testified considered themselves friends of the page.)

Each one of the roommates had her own separate incident(s) to recount with respect to seeing their roommate and Howarth together.

In sum, the roommates testified to the following 12 incidents which one or more of them personally witnessed in April or May 1980 involving Howarth and the page:

(1) Three instances where Howarth picked her up at their apartment at 7–8 p.m.;

(2) One instance where he picked her at 11 p.m.;

(3) Four instances where he picked her up at 2–3 a.m.;

(4) Two instances where he arrived at the Capitol with her in the morning;

(5) Two instances where he had dinner at their apartment and where on at least one of these instances he and the page went off together.

In most of those 12 instances, the roommates testified that the page stayed out all night after she had been picked up by Howarth, or had been out all night when Howarth was seen driving her to work.

The roommates' testimony was uncontradicted, internally consistent among the roommates, and wholly unshaken on cross-examination.

In addition to the testimony of the page's four roommates, two members of her family, as well as two other individuals—a former boyfriend and a former Senate page—offered evidence under oath corroborating the page's testimony that the relationship between the page and Howarth had become a romantic one during her page tenure.

IV. Recommendation

After reviewing written submissions by counsel for Howarth and by the Committee's Special Counsel, the Committee met on November 15, 1983, pursuant to rule 17 of the Committee's Rules of Procedure to determine what sanction, if any, to recommend to the House.

The Committee's rules authorize it to consider, in the case of an employee:

(A) Dismissal from employment.
(B) Fine.
(C) Any other sanction determined by the Committee to be appropriate.

Rule 17(b)(2).

The Committee rules further provide that, as a general rule, "dismissal of an . . . employee is appropriate for the most serious violations." Rule 17(c)(1)(3).

The Committee finds that Howarth's violation constitutes a "most serious" one. The House has a special responsibility to the teenage pages it employs. See Final Report of Special Counsel, House Report No. 98–297, July 14, 1983. This responsibility is discharged through the individuals who supervise the pages. Howarth occupied a central position in the hierarchy of the Doorkeeper's office responsible for supervising pages. His title made that fact clear: Majority Chief Page. It was Howarth, acting in the name of the U.S. House of Representatives, who was responsible to work to protect the well-being of the pages. Instead, he did the opposite.

In this context, Howarth's misconduct as a page supervisor—engaging repeatedy in sexual relations with a 17-year old page under his supervision—constitutes egregious and reprehensible conduct.

Howarth's actions violated the responsibilities the House owes to every teenage page it employs.

Howarth violated his own immediate job responsibilities as a page supervisor. It was his job to supervise, counsel and protect pages.

Howarth's misconduct was not an isolated instance but involved repeated overnight stays by the page at his apartment.

Howarth's misconduct contributed to the page's unexcused absences from the page school and from her work in April and May 1980.

Under these circumstances, the Committee determined that the appropriate sanction is dismissal from employment in the House of Representatives.

Therefore, by a vote of yeas 11, nays 0, the Committee voted in favor of a motion to recommend to the House that the House of Representatives direct the Doorkeeper of the House to dismiss James C. Howarth.

Accordingly, the Committee recommends that the House adopt a resolution in the following form:

HOUSE RESOLUTION

Resolved, that the House of Representatives hereby directs the Doorkeeper of the House to dismiss James C. Howarth from employment effective on the date the House agrees to this Resolution.

STATEMENT PURSUANT TO RULE XI, CLAUSE 2(l)(3)(A)

The Committee made no special oversight findings on this Resolution.

This Report was approved by the Committee on Standards of Official Conduct on November 15, 1983, by a vote of yeas 11, nays 0.

APPENDIX

Statement of Alleged Violation

In the matter of:

JAMES C. HOWARTH

Count One

During the period from approximately April, 1980, through mid-June, 1980, the respondent, James C. Howarth ("Howarth"), who at all times relevant to this Statement of Alleged Violation was Majority Chief Page and an employee of the House of Representatives, violated clause 1 of the Code of Official Conduct of the House of Representatives by engaging in a sexual relationship on a regular basis with a 17-year-old female page who was at the time employed as a congressional page by the House of Representatives and was under his direct supervision. Specifically, during this period Howarth and the page spent many nights at Howarth's apartment and engaged frequently in sexual relations.

The House of Representatives has special responsibility for the teenage pages it employs. Those employees of the House who supervise pages have a derivative obligation amounting to a fiduciary duty to act with propriety toward their teenage charges.

By engaging in a sexual relationship with a female page under his supervision, Howarth breached his fiduciary duties to pages, abused the trust given him as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

Count Two

During the period from approximately April, 1980, through mid-June, 1980, Howarth failed to execute his duties as Majority Chief Page and dispensed special favors and privileges in violation of clause 3 and clause 5 of the Code of Ethics for Government Service and clause 1 of the Code of Official Conduct of the House of Representatives. Specifically, during this period Howarth allowed the female page referred to in Count One with whom he was having sexual relations and who was under his supervision, to absent herself from her page duties whenever she chose. These special favors and privileges constituted preferential treatment of a page as a consequence of a sexual relationship.

By violating the Code of Official Conduct and the Code of Ethics for Government Service, Howarth breached his fiduciary duties to pages, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

Count Three

During the period January, 1979, through December, 1980, Howarth knowingly possessed a controlled substance, to wit, cocaine, in the Democratic Cloakroom of the House of Representatives in violation of Title 21, United States Code, § 844(a), clause 2 of the Code of Ethics for Government Service, and clause 1 of the Code of Official Conduct of the House of Representatives. Specifically, on one occasion during this period Howarth purchased one gram of cocaine from Robert T. Yesh, at the time an employee of the House of Representatives, in the House Democratic Cloakroom.

By violating a criminal statute, the Code of Official Conduct, and the Code of Ethics for Government Service, Howarth abused the trust given to him as an employee of the House of Representatives, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

Count Four

During the period January, 1979, through December, 1980, Howarth knowingly possessed a controlled substance, to wit, cocaine, in the Democratic Cloakroom of the House of Representatives in violation of Title 21, United States Code, § 844(a), clause 2 of the Code of Ethics for Government Service, and clause 1 of the Code of Official Conduct of the House of Representatives. Specifically, on one occasion during this period, Howarth purchased one-eighth of an ounce of cocaine from Robert T. Yesh, at the time an employee of the House of Representatives, in the House Democratic Cloakroom.

By violating a criminal statute, the Code of Official Conduct, and the Code of Ethics for Government Service, Howarth abused the trust given to him as an employee of the House of Representatives, breach his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

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